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Tel: 972 9 7713585 Fax: 972 9 7713593**INTELLECTUAL PROPERTY DEPARTMENT****EDWARD LANGER** B.S.E.C., M.B.A., J.D., ADV. & PAT. ATTY. (Israel Bar), REG. US PAT. ATTY. (Pennsylvania Bar)
e-mail: e.langer@shiboleth.com**RECEIVED**

Tel Aviv, July 1, 2007

By Fax: +1 571-273-0459

(14 pages)

1 JUL 2007

Legal Staff
International Division

- * Amnon Shibolet
- * Yisroel Yisraeli
- Richard M. Roberts
- * Itzhak Zisman
- Moshe H. Ne'eman
- Lior Aviram
- Helena Beilin
- Hillel Ish-Shalom
- Revital Ben-Artzi
- Orit Sternhell-Zaltzman
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- Ofer Manor
- Michal Barak
- * David Bernheim

- Miri Bickel
- Benny Kalifi
- Dr. Yuval Karpel
- * Edward Langer
- * Michelle (Michal) Tzohri

Mr. Leonard Smith (PCT Division)
Supervisory PCT Legal Examiner
Office of PCT Legal Administration
Madison West 7C05
Alexandria, Virginia 22313-1450
USA

Re: US National Stage filing for Patent Application No. 10/591,862 entitled:
LIQUID FLOW MONITORING APPARATUS
Inventors: AMISAR Shai, et al.
Claiming Priority of: IL Patent Application No. 160738 filed March 4, 2004
Based on PCT Patent Application PCT/IL2005/000250
International Filing Date: March 3, 2005
Docket No.: 2116

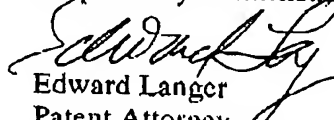
Dear Sirs,

Further to our previous telephone conversation on June 25, 2007 and various correspondence by email, enclosed herewith are the following documents for reviving the abovementioned patent application:

1. Petition for revival of an application for patent abandoned unavoidably under 37 CFR 1.137(a) (3 pages);
2. Statement in support of petition to revive patent application (3 pages);
3. Print-out from PATTSY docketing system (1 page);
4. Credit card form (1 page - previous version).
5. Notification of Abandonment dated May 21, 2007 (2 pages);
6. Supplemental statements by Caryn Ginsberg and Richard M. Roberts (2 pages);
7. Credit card form (1 page - corrected version).

Please forward a filing receipt as soon as possible. Thank you for your prompt attention.

Respectfully Submitted,


Edward Langer
Patent Attorney
Registration No. 30,564

Shiboleth, Yisraeli, Roberts & Zisman, LLP and Heiman Law Group, P.C.
1 Penn Plaza - Suite 2527
New York, NY 10119
USA

Telephone: 212-244-4111 Fax: 212-563-7108

ISRAELI-CHINESE LEGAL DESK: Bank Of China Tower, 200 Yincheng Road Central, Pudong, Shanghai 200120, Phone: 86-21-5037-2668 (Ext. 217)
Fax: 86-21-5037-2178, Mobile: 86-136-0163-2314, E-mail: Michelletzhor@zhonglun.com (In Cooperation With The Zhong Lun Law Firm)

NEW YORK AFFILIATE: Empire State Building, 350 Fifth Avenue, 60th Floor, New York, N.Y. 108118 Phone: (212) 244-4111 Fax: (212) 563-7108

- Ezra Baris
- Ami Barlev
- Lior Ben Dror
- Ofer Ben-Yehuda
- Moty Ben-Yona
- Shelly Blatt-Zak
- Ye'ela Chemdat
- Keren Diner
- Efrat Elias
- Yuval Esteron
- Amir Fisher
- Yael Friedman
- Inbal Hava
- Miriam Heller Lidji
- Roni Hofman
- Yossi Koren, CPA
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- Tirza Less-Gross
- Ayala Levy
- Dr. Nir Mendel
- Phud Merary
- Yaron Meyer
- Eyal Mizrahi
- Ruth Ofek
- * Shlomit Ophir-Harel
- Hadas Raccali
- Dana Raucher
- Andrew Rosen
- Gil Rosenberg
- Orna Schwarz
- * Maya Sidi-Vager
- Yael Siekierski (Arad)
- Shaun Smitman
- Ifai Wald-Yaar
- Hanna Yanovsky

* Admitted also in New York
** Admitted also in Pennsylvania

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1 JUL 2007

Legal Staff
International Division

413940/v1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 09/30/2007. OMB 0861-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		PTO/88/81 (04-07) Docket Number (Optional) 2116
First Named Inventor: Shai AMISAR Application Number: 10/ 991,862 Filed: Title:	Art Unit: Examiner: Unknown	
LIQUID FLOW MONITORING APPARATUS		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input checked="" type="checkbox"/> Small entity - fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee		
A The reply and/or fee to the above-noted Office action in the form of Payment of National Stage Filing Fee (Identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith. Filing fee for Sec. 371 filing \$300.00		
B The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

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1 JUL 2007

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International Division

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1 JUL 2007

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International Division

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(e). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual cases. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Edward Langer
Signature

Edward Langer
Typed or printed name

1 Penn Plaza - Suite 2527

New York, NY 10119

Address

Address

June 28 '07
Date

30,564

Registration Number, if applicable

(212) 244-4111

Telephone Number

Enclosure ☒ Fee Payment Total \$550.00 (\$250.00 + \$300.00)

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

PTO/SB/G1 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Edward Langer

Typed or printed name

June 28 '07

Date

30,564

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

STATEMENT IN SUPPORT OF PETITION TO REVIVE
PATENT APPLICATION UNAVOIDABLY ABANDONED
PER 37 CFR 1.137(a)

The Applicant, through his undersigned representative, hereby petitions to reinstate the subject patent application. Support for this petition is attached. The use of an incorrect credit card form, leading to non-payment of filing fees, was unintentional, but moreover, the non-payment was unavoidable, as per the following statement.

The undersigned, a US Patent Attorney for over 20 years, maintains his regular office in Tel Aviv, Israel, as a department in a law firm which also maintains a branch office in New York City. The NY branch office has no patent professionals, and is not responsible for docketing, however, the address of the NY branch office is used as a mailing address for receipt of correspondence from the USPTO, and this correspondence is then forwarded to the Tel Aviv office, by a particular employee of the NY Office.

The first indication of the abandonment of the patent was received in the Tel Aviv office on June 5, 2007, via the NY office, and the notice is dated May 21, 2007. The undersigned was out of the office on an overseas trip on the date of receipt of the notice in Tel Aviv.

The delay in receipt of the notice is apparently due to the fact that the NYC office has recently moved to a new address, and the employee in the NY Office who was responsible for this forwarding task, had left her job, and the responsibility has been transferred to others, who are unaware of the timeliness issue in forwarding the USPTO mail.

Applicant's attorney maintains a docketing system known as PATTSY, and the docket clerk responsible for entering Office Action due dates is diligent in this activity. As a backup system, this clerk also maintains the Microsoft Outlook calendar (herein: calendar docket) filled with dates for activities to be performed. A report of these due dates on the calendar docket is printed periodically, approximately weekly, and this is the report used.

In this particular case, the PATTSY system shows that the case was originally filed on September 4, 2006 with a filing receipt status check set for December 4, 2006. (see attachment "A").

the files under their care. This placed an additional burden of time on the staff including the paralegals and attorneys.

Therefore, due to the fact that there was an error in the credit card account number, based on Ms. Ginsburg's use of an outdated form prepared by my former paralegal, and due to the fact that prior to a holiday period the office moved to a new address, a mistake was made through insufficient checking and review in relation to this particular National Stage filing, so that use of an incorrect credit card account number, resulting in non-payment of the filing fee due on September 4, 2006, was unavoidable.

The USPTO made no effort to inform us of the incorrect credit card account number, by a courtesy call (as they have done on past occasions) so that this entirely unintended technical error, could be corrected. The only PTO notice we have received about this credit card processing problem is an internal PTO form (attachment "C") which was sent along with the Abandonment notice. If we had received this form immediately when the problem arose, the technical nature of this problem could have been quickly corrected by telephone.

Upon being notified of the abandonment of the patent application as mentioned above (in the third paragraph), Applicant's attorney checked the facts and immediately prepared this petition.

Therefore, the USPTO should grant this petition. A sufficient showing has been made.

It is respectfully requested that this petition be reviewed urgently, to immediately reinstate the patent application.

Respectfully submitted,


Edward Langer, Reg. No. 30,564
Attorney for Applicant

c/o Shibolet, Yisraeli, Roberts, Zisman & Co.
1 Penn Plaza
New York, NY 10119
212-244-4111, 212-563-7108 fax
413211/v1

No notices of processing problems relating to the filing was received from the PTO until the Abandonment notice was received on June 5, 2007, as indicated in the PATTSY entry showing May 21, 2007.

The application serial number was first sent with the Abandonment notice, so that we could not use the PAIR/Private system prior to that time to check the status of the case, without the S/N.

The employee who made the above entries in the calendar docket, Caryn Ginsberg, began working as a paralegal in my office in June 2006, and she replaced Sharon Links, the previous paralegal. Ms. Ginsberg prepared the filing on September 4, 2006 as a US National Filing under Sec. 371 in the normal fashion, and she utilized a PTO 2038 credit card form for purposes of paying the filing fee of \$300.

The credit card form that Ms. Ginsberg used was taken from a file folder containing similar forms prepared by the previous paralegal, Ms. Links.

The form was signed by a senior attorney in our office, Mr. Roberts, who is responsible for office management and payment authorization, and he has signed such credit card forms previously.

What was not apparent neither to Ms. Ginsberg nor to Mr. Roberts was that the particular credit card form in question (attachment "B") used a credit card account number which had previously been cancelled and replaced in our firm with a new credit card number.

The period just prior to the September 4, 2006 filing date was ~~prior to a holiday period for our office,~~ and as usual, a large amount of work needed to be completed in advance of the holiday.

In addition, during that same period, the Applicant's undersigned Attorney, was getting ready to leave for an overseas trip to the US in early October, 2006. Again, a large amount of work needed to be completed in advance of this trip.

The preparation for my trip included preparations for meetings in the USPTO, which required Ms. Ginsberg to finish many work items before I left the office, and this presented a very short schedule for completion of many tasks.

Also during early September 2006, the office moved to a new address in Tel Aviv, and each department was responsible for packing

OPER	SL	ENTERED	05/06/2007	MODIFIED	18/06/2007	ATTORNEYS	EL	/	EL	/	SL	PRINTED ON:	01/07/2007
YOUR#	2118	CNTRY	US	UNITED STATES	NEW/CON	NEW	RELATED						
PATS#	P00766US0	TYPE	UTL	SERIAL#	10/591,862	PATENT#			STAT	PENDING			
TITLE	FLOW MONITORING APPARATUS												
CLIENT	S-253	CYCLO-SCIENCE LTD.	1	CREF			SE	Yes	TXT1				
AGENT				AREF			CLAIMS		TXT2				
PRIOR				MAIL			FILE			PUBL			
				ISSUE			EXP			1ST			

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
FS	N	FILG RCPT STATUS CHK	04/09/2006	3M	04/12/2006		04/12/2006	0		0M	Y	Y	Y
NB	N	ABANDONMENT NOTICE	21/05/2007	1M	21/06/2007		21/06/2007	0		0M	Y	Y	Y

Attachment "A"

PTO-2038 (02-2003)

Approved for use through 02/28/2006 UMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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United States Patent and Trademark Office

Credit Card Payment Form

Please Read Instructions before Completing this Form

Attachment
"B"

Credit Card Information

Credit Card Type: ☐ Visa ☐ MasterCard ☒ American Express ☐ Discover

Credit Card Account #: 3755 160930 55061

Credit Card Expiration Date: June 2007

Name as it Appears on Credit Card: Richard M. Roberts Adv.

Payment Amount: \$ (US Dollars): 300.00 (three hundred + 00/100).

Cardholder Signature: *Richard M. Roberts*

Date: September 3, 2006

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR § 1.21 (m)).

Credit Card Billing Address

Street Address 1: 44 46 MONTEFIORE STREET

Street Address 2:

City: TEL AVIV

State/Province:

Zip/Postal Code: 65201

Country: ISRAEL

Daytime Phone #: 972-3-710330 (7 hours ahead)

Fax #: 972-3-710-3322

Request and Payment Information

Description of Request and Payment Information:

National Phase Filing Fees

☒ Patent Fee

☐ Patent Maintenance Fee

☐ Trademark Fee

☐ Other Fee

Application No.

Application No.

Application No.

IDON Customer No.

Not yet known

Patent No.

Patent No.

Registration No.

Attorney Docket No.

2116

Identify or Describe Mark

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

Attachment "c" (1)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
10/591,862	Shai Amisar	2116

INTERNATIONAL APPLICATION NO.

PCT/IL05/00250

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

03/03/2005

03/04/2004

c/o Shibolet, Yisraeli, Roberts, Zisman
 350 Fifth Avenue, 60th Floor
 New York, NY 10118

CONFIRMATION NO. 8518

371

ABANDONMENT/TERMINATION
 LETTER

OC000000023959779

Date Mailed: 05/21/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).
- Credit card declined

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Attachment "c" (2)



PCT - RAM - MISC. INQUIRY FORM

RAM/PCTDate: 9/14/06Serial Number: 101591862

- ☐ No check received
- ☐ Insufficient Fee by check
- ☐ No credit card received
- ☒ Credit card declined
- ☐ Credit card invalid
- ☐ Credit card expired
- ☐ No calculation sheet
- ☐ No authorization
- ☐ Insufficient funds in deposit account
- ☐ Deposit Account is not found
- ☐ User not listed
- ☐ No signature
- ☐ Different Serial Number

Operated by: Ly

SUPPLEMENTAL STATEMENT SHOWING PATENT APPLICATION UNAVOIDABLY
ABANDONED PER 37 CFR 1.137(a)

I, Caryn Ginsberg, paralegal to Edward Langer, attorney for the Applicant, hereby state as follows:

1. I am employed by the law firm of Shibolet, Yisraeli, Roberts, Zisman & Co. since June 2006.

2. Attached to this statement is a copy of my resume which was submitted to Mr. Langer in obtaining employment with the firm.

3. My employment record includes employment as a paralegal in the Patent and Trademark section of two large law firms in Israel, the first being Herzog, Fox, Neeman (2001-2004), and the second being Eitan, Pearl, Latzer (1996-1998).

4. When I started employment in June 2006, I was given a 2-day period of overlap with the previous paralegal, Mrs. Sharon Links.

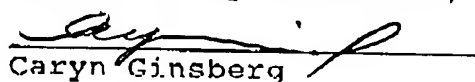
5. During the overlap period, Mrs. Links instructed me as to the payment of USPTO fees using a credit card form PTO-2038 which she prepared using the credit card account number of the firm.

6. Mrs. Links was available for discussion by telephone on an as-needed basis on those occasions when I felt the need to inquire of her about procedures in the office, or docket dates.

7. The particular item in question, which was the use of a credit card form for the payment of the filing fees in a National Stage US Patent Application under Sec. 371, did not raise any questions in my mind, based on the forms prepared by Ms. Links.

8. I did not see any reason for calling on Mrs. Links for clarification of the use of this PTO credit card form.

Respectfully submitted,


Caryn Ginsberg

Date: JUNE 26, 2007

SUPPLEMENTAL STATEMENT SHOWING PATENT APPLICATION UNAVOIDABLY
ABANDONED PER 37 CFR 1.137(a)

I, Richard M. Roberts, am the managing partner of Shibolet, Yisraeli, Roberts, Zisman & Co. and Moshe H. Ne'eman, Ben-Artzi & Co., Advocates & Notaries and the supervisor of Edward Langer, attorney for the Applicant, hereby state as follows:

1. I am one of the founding partners of the law firm of Shibolet, Yisraeli, Roberts, Zisman & Co. and Moshe H. Ne'eman, Ben-Artzi & Co., which was established in 1973.

2. My duties include, among other, management of expenses and authorization of expenses incurred by the firm.

3. Mr. Langer's department employs the PTO form 2038 for payment of PTO fees on a regular basis.

4. Around February 2006, our firm cancelled its American Express Platinum credit card and began using a different American Express Platinum credit card.

5. During this period, Mrs. Links had prepared forms for payment of USPTO fees using credit card form PTO-2038 not knowing that we had changed our credit card and therefore, inadvertently and mistakenly using a form with our old credit card number.

6. The use of a credit card form for the payment of the filing fees in a National Stage US Patent Application under Sec. 371, did not raise any questions in my mind, based on the forms prepared by Ms. Links.

7. Ms. Ginsburg submitted the PTO-2038 form for my signature.

8. I did not see any reason for questioning the accuracy of the credit card account number since previous payments with the correct account number had already been made.

Respectfully submitted,



Richard M. Roberts, Advocate

Date: June 27, 2007

*** RX REPORT ***

RECEPTION OK

TX/RX NO	8302
RECIPIENT ADDRESS	
DESTINATION ID	
ST. TIME	07/01 05:14
TIME USE	03'08
PGS.	14
RESULT	OK